

Message Text

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ACTION AF-10

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FM AMEMBASSY FREETOWN

TO SECSTATE WASHDC 8215

INFO AMEMBASSY ACCRA

AMEMBASSY ADDIS ABABA

AMEMBASSY BANJUL

AMEMBASSY LAGOS

AMEMBASSY LUSAKA

AMEMBASSY NAIROBI

AMEMBASSY MONROVIA

UNCLAS FREETOWN 2559

E.O. 11652: N/A

TAGS: SHUM, XA

SUBJECT: AFRICAN BAR ASSOCIATION CONDEMNS HUMAN RIGHTS VIOLATIONS IN AFRICA

1. AT THE CONCLUSION OF THE AFRICAN BAR ASSOCIATION'S CONFERENCE A DECLARATION OF HUMAN RIGHTS WAS ADOPTED THAT THE ASSOCIATION PROPOSES TO PLACE BEFORE THE O.A.U. DECLARATION FOLLOWS:

"THE AFRICAN BAR ASSOCIATION HOLDING ITS THIRD BIENNIAL CONFERENCE IN FREETOWN, SIERRA LEONE, FROM 1 TO 5 AUGUST, 1978 IS AWARE AND GREATLY CONCERNED ABOUT THE POLITICAL, SOCIAL AND ECONOMIC LIFE IN AFRICA. AND WHEREAS

(A) THE BAR ASSOCIATION HOLDS THE VIEW THAT THE RIGHTS OF THE INDIVIDUAL WITHIN THE SOVEREIGNTY OF THE STATE ARE FUNDAMENTAL:

(B) THE ASSOCIATION AFFIRMS BELIEF IN THE SAID FUNDAMENTAL HUMAN RIGHTS AS ENSHRINED IN THE CHARTER OF UNCLASSIFIED

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THE UNITED NATIONS ORGANIZATION.

(C) THE ASSOCIATION GREATLY BELIEVES IN THE RIGHTS OF THE PEOPLE TO LIVE AND BE FREE FROM ARBITRARY ARREST.

(D) THE ASSOCIATION FURTHER BELIEVES IN THE INDIVIDUAL'S FREEDOM OF SPEECH AND EXPRESSION, FREEDOM FROM INHUMAN TREATMENT AND FREEDOM FROM DISCRIMINATION

ON ACCOUNT OF RELIGION, RACE, SEX OR ETHNIC ORIGIN.

(E) THE ASSOCIATION BELIEVES IN THE FREEDOM OF THE INDIVIDUAL TO WIN AND HOLD PROPERTY AND HIS FREEDOM OF ASSEMBLY, MOVEMENT AND ASSOCIATION.

(F) THE ASSOCIATION ADMITS THAT ALTHOUGH THE SAID RIGHTS OF THE INDIVIDUAL ARE NOT ABSOLUTE IN THEIR APPLICATION, THEY ARE NEVERTHELESS INALIENABLE TO EVERY INDIVIDUAL CITIZEN.

(G) THE ASSOCIATION FURTHER REAFFIRMS ITS COMMITMENT TO THE PRINCIPLES OF HUMAN EQUALITY, DIGNITY AND THE DOCTRINES OF SELF-DETERMINATION AND NON-RACIALISM AND TO THIS END IT STRONGLY BELIEVES IN CONSTITUTIONAL GOVERNMENT.

(H) THE ASSOCIATION STRONGLY CONDEMNS THE FLAGRANT VIOLATION OF HUMAN RIGHTS IN AFRICA AND IN PARTICULAR IN SOUTH AFRICA, NAMIBIA AND ZIMBABWE AND THE ILL TREATMENT OF POLITICAL PRISONERS AND OPPONENTS IN AFRICA.

NOW THEREFORE IT IS HEREBY DECLARED AS FOLLOWS:

(A) THAT ACCESS TO THE COURTS OF LAW AND DUE PROCESS OF LAW ARE A FUNDAMENTAL RIGHT OF THE INDIVIDUAL.

(B) THAT ANY LAW WHICH PURPORTS OR SEEKS TO OUST THE JURISDICTION OF THE COURTS ON ANY MATTER IS A DEROGATION FROM THE CONCEPT OF FUNDAMENTAL RIGHTS AND IS TO THAT EXTENT OBNOXIOUS.

(C) THAT ANY PENAL LAW ENACTED WITH RETROSPECTIVE EFFECT IS CONTRARY TO THE SAID CONCEPT OF FUNDAMENTAL HUMAN RIGHTS.

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(D) THAT ANY VIOLATION OF THESE PRINCIPLES IN ANY MEMBER COUNTRY SHALL RECEIVE AND ENGAGE THE IMMEDIATE ATTENTION OF THE ASSOCIATION.

(E) THAT COPIES OF THIS DECLARATION BE SENT TO ALL MEMBER STATES OF THE ORGANIZATION OF AFRICAN UNITY AND ITS SECRETARIAT.

2. DECLARATION IS A REBUFF TO SIERRA LEONEAN MINISTER OF JUSTICE AND ATTORNEY GENERAL FRANCIS MINAH WHO INTRODUCED IN HIS KEYNOTE ADDRESS VIEW THAT BLACK AFRICAN NATIONS HAD BEEN SINGLED OUT UNFAIRLY FOR CRITICISM BY WESTERN MEDIA AND AMNESTY INTERNATIONAL, WHILE SOUTH AFRICA HAD EVEN WORSE RECORD AND WAS LESS HARSHLY CRITICIZED. MINAH ALSO ADVANCED THESIS THAT WESTERN NATIONS PARTLY ARE RESPONSIBLE FOR HUMAN RIGHTS VIOLATIONS IN AFRICA BY FAILING TO PROVIDE SUFFICIENT DEVELOPMENT ASSISTANCE TO OVERCOME AFRICAN ECONOMIC DIFFICULTIES.

3. SIERRA LEONE SECOND VICE PRESIDENT C.A. KAMARA - TAYLOR, WHO FORMALLY OPENED THE CONFERENCE, NOTED THAT LAWYERS SOUGHT TO APPLY UNIVERSAL PRINCIPALS OF JUSTICE WHILE POLITICIANS HAD TO DEAL WITH PARTICULAR

APPLICATIONS OF JUSTICE TAKING INTO CONSIDERATION THE
OFTEN CONFLICTING INTERESTS OF SEGMENTS OF THE POPULATION
AND THE STATE. AT THE CONCLUSION OF THE CONFERENCE
SEVERAL SPEAKERS, PARTICULARLY THE NEW PRESIDENT OF THE
ASSOCIATION, SIERRA LEONEAN MANILIUS GARBER, ALLUDED TO
THIS DIVERGENCE AND THE APPARENT UNHAPPINESS OF SOME
POLITICIANS WITH THE ASSOCIATION'S DECLARATION. OBSERVERS
AND PARTICIPANTS TOLD EMBOFF THAT EFFORTS WERE MADE DURING
CONFERENCE TO HAVE ASSOCIATION DELCARE AFRICAN STATES A
SPECIAL CATEGORY AND SOMEHOW PARTIALLY EXEMPT FROM THE UN
DECLARATION OF HUMAN RIGHTS, A VIEW THAT WAS FIRMLY
REJECTED.

4. FOURTH BIENNIAL CONFERENCE IS TO BE HELD IN NAIROBI.
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